

1 WILLIAM S. EUBANKS II, N.C. BAR No. 36743  
2 HOWARD M. CRYSTAL, D.C. BAR. No. 446189  
3 *Pro hac vice*  
4 Meyer Glitzenstein & Crystal  
5 1601 Connecticut Avenue, N.W., Suite 700  
6 Washington, D.C. 20009  
7 (202) 588-5206, (202) 588-5049 fax  
8 beubanks@meyerglitz.com, hcrystal@meyerglitz.com

9 KRISTIN HENRY, CAL. BAR No. 220908  
10 Sierra Club  
11 85 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor  
12 San Francisco, CA 94105  
13 (415) 977-5716, (415) 977-5793 fax  
14 Kristin.Henry@sierraclub.org  
15 *Attorneys for Plaintiff Sierra Club*

16 JOSEPH P. RUSSONIELLO, CAL. BAR No. 44332  
17 United States Attorney  
18 JoANN M. SWANSON, CAL. BAR No. 88143  
19 Chief, Civil Division  
20 MICHAEL T. PYLE, CAL. BAR No. 172954  
21 Assistant U.S. Attorney  
22 U.S. Attorney's Office/Civil Division  
23 450 Golden Gate Avenue, 9<sup>th</sup> Floor  
24 San Francisco, CA 94102-3495  
25 (415) 436-7322, (415) 436-6748 fax  
26 michael.t.pyle@usdoj.gov  
27 *Attorney for Federal Defendants*

28 (additional attorneys listed on next page)

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**SIERRA CLUB,**

Plaintiff,

v.

**UNITED STATES DEPARTMENT  
OF AGRICULTURE, AND  
RURAL UTILITIES SERVICE,**

Defendants.

**Case No. 3:08-cv-04248-SC**

**STIPULATED REQUEST AND  
~~PROPOSED~~ ORDER TO FURTHER  
EXTEND THE BRIEFING SCHEDULE BY  
SIXTY (60) DAYS**

1 JAMES GOLDBERG, CAL. BAR NO. 107990  
2 DEBORAH A. GOLDFARB CAL. BAR NO. 291942  
3 Bryan Cave LLP  
4 Two Embarcadero Center, Suite 1410  
5 Telephone: (415)675-3400  
6 Facsimile (415)675-3434  
7 Email: james.goldberg@bryancave.com  
8 Email: deborah.goldfarb@bryancave.com  
9 *Attorneys for Intervening Defendants Brazos Electric*  
10 *Power Cooperative, Inc. and East Kentucky Power*  
11 *Cooperative, Inc.*

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Whereas, this case involves several requests by Plaintiff, SIERRA CLUB, for records in the custody or control of Federal Defendants, U.S. DEPARTMENT OF AGRICULTURE and RURAL UTILITIES SERVICE, pursuant to the Freedom of Information Act; and

Whereas, on or around September 25, 2009, Federal Defendants provided responsive records and Vaughn Indices for withholdings; and

Whereas, Plaintiff completed review of responsive records and Vaughn Indices on or around October 23, 2009, resulting in a settlement proposal to Federal Defendants on October 27, 2009; and

Whereas, the Court granted a stipulated request for a 60-day extension, setting the current Scheduling Order (D.E. 59) and allowing the parties to engage in settlement discussions; and

Whereas, the parties have engaged in detailed settlement discussions and are very close to a comprehensive settlement, but are still working to resolve a few outstanding issues (as to which the parties have been exchanging proposals and counter-proposals in recent days and to which the parties expect to make further exchanges by early next week), and to draft a settlement agreement; and

Whereas, the Court's current Scheduling Order requires Federal Defendants and Intervenor-Defendants to file motions for summary judgment on January 19, 2010; and

1           Whereas, in light of the schedule and the parties' anticipated settlement, Plaintiff, Federal  
2 Defendants, and Intervenor-Defendants (collectively the "Parties"), have conferred and agree that, in  
3 an effort to promote judicial efficiency, the current briefing schedule be extended by sixty days to  
4 determine whether the remaining issues in the case can be resolved without further litigation. Counsel  
5 for Plaintiff represents that he obtained the dates below from the Court's clerk.  
6

7           IT IS HEREBY AGREED AND THE PARTIES STIPULATE, subject to the Court's  
8 approval, that the briefing schedule be extended by approximately sixty days, resulting in the revised  
9 schedule as follows:

- |                                 |  |
|---------------------------------|--|
| 10           (a) March 22, 2010 | Last day for Defendant and/or Intervenor(s) to file a motion<br>11 for summary judgment.   |
| 12           (b) April 12, 2010 | Last day for Plaintiff to file opposition to any motion for<br>13 summary judgment filed by Defendant and/or Intervenor(s)<br>14 and last day for Plaintiff to file any cross-motion for<br>summary judgment.                                    |
| 15           (c) May 3, 2010    | Last day for Defendant and/or Intervenor(s) to file reply in<br>16 support of any motion for summary judgment and last day<br>17 for Defendant and/or Intervenor(s) to file opposition to any<br>motion for summary judgment filed by Plaintiff. |

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28 **STIPULATED REQUEST TO EXTEND  
BRIEFING SCHEDULE BY SIXTY DAYS - 3**

1 (d) May 21, 2010

Last day for Plaintiff to file reply in support of its crossmotion  
for summary judgment.

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3 (e) June 18, 2010

Hearing on summary judgment motions.

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5 Respectfully submitted,

6 /s/ William S. Eubanks II  
WILLIAM S. EUBANKS II, N.C. BAR NO. 36743  
7 HOWARD M. CRYSTAL, D.C. BAR. NO. 446189  
8 *Pro hac vice*

9 /s/ Kristin Henry  
KRISTIN HENRY, CAL. BAR NO. 220908  
Sierra Club  
10 85 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94105  
11 (415) 977-5716, (415) 977-5793 fax  
Kristin.Henry@sierraclub.org  
12 *Attorneys for Plaintiff Sierra Club*

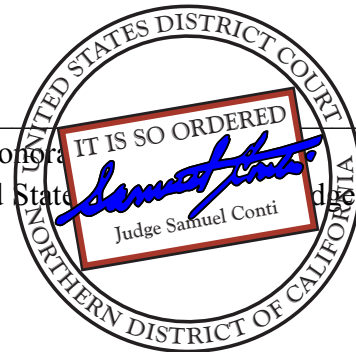
13 /s/ Michael T. Pyle  
14 MICHAEL T. PYLE, CAL. BAR NO. 172954  
15 *Attorney for Federal Defendants*

16 /s/ James Goldberg  
17 JAMES GOLDBERG, CAL. BAR NO. 107990  
DEBORAH A. GOLDFARB CAL. BAR NO. 291942  
18 *Attorneys for Intervenor-Defendants*

19 PURSUANT TO STIPULATION, IT IS SO ORDERED:

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22 Date: 1/14/10

23 The Honorable  
24 United States



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28 **STIPULATED REQUEST TO EXTEND  
BRIEFING SCHEDULE BY SIXTY DAYS - 4**